

**AMENDMENTS TO THE CLAIMS**

**Listing of Claims:**

1. (Currently amended) A transgenic expression construct for expression of a nucleic acid sequence of interest at least in leaf tissue but not in seed comprising a promoter sequence which directs expression at least in leaves but not in seed selected from the group consisting of:
  - a) the promoter of the *Pisum sativum* ptxA gene as described by SEQ ID NO: 1,
  - b) a fragment of the promoter sequence described by SEQ ID NO: 1, comprising a sequence from about base pair 300 to about base pair 583 of the sequence described by SEQ ID NO: 1 having the expression activity of the promoter sequence described by SEQ ID NO: 1,
  - c) a promoter sequence comprising a sequence having at least 98% identity to the sequence as described by SEQ ID NO: 1 and having the promoter activity of SEQ ID NO: 1, and
  - d) a fragment of SEQ ID NO: 1 having the promoter activity of SEQ ID NO: 1,  
wherein said promoter sequence is operably linked to and heterologous with respect to said nucleic acid sequence of interest, and wherein the nucleic acid sequence of interest encodes a selection marker or is a reporter gene, or wherein the expression of the nucleic acid sequence of interest results in expression of an antisense RNA or double-stranded RNA, or wherein the expression of the nucleic acid sequence increases quality of food and feed, produces chemicals, fine chemicals or pharmaceuticals, confers resistance to herbicides, or confers male sterility.
2. (Cancelled)
3. (Currently amended) The transgenic expression construct of claim 1, wherein the fragment comprises a sequence from about base pair 300 to about base pair 583 of the sequence described by SEQ ID NO: 1 and has the promoter activity of SEQ ID NO: 1.
4. (Withdrawn) The transgenic expression construct of claim 1, wherein the promoter sequence is selected from the group of sequences consisting of:
  - a) the promoter of the *Glycine max* extensin (SbHRGP3) gene as described by SEQ ID NO: 2, or its complement,

- b) a fragment of at least 50 consecutive base pairs of the promoter sequence described by SEQ ID NO: 2, or its complement, having the promoter activity of the promoter sequence described by SEQ ID NO: 2, and
- c) a promoter sequence comprising a sequence
  - i) having at least 60% identity over a sequence of at least 100 consecutive base pairs to the sequence as described by SEQ ID NO: 2, and/or
  - ii) hybridizes under high stringency conditions with a fragment of at least 50 consecutive base pairs of the sequence as described by SEQ ID NO: 2.

5. (Withdrawn) The transgenic expression construct of claim 4, wherein the fragment comprises a sequence from about base pair 800 to about base pair 1179 of the sequence described by SEQ ID NO: 2.

6. (Withdrawn) The transgenic expression construct of claim 4, wherein the promoter sequence is described by the sequence selected from the group of consisting of SEQ ID NO: 7, 8, and 9.

7. (Previously presented) The transgenic expression construct of claim 1, wherein the expression rate realized by the transgenic expression construct and measured by a quantitative  $\beta$ -glucoronidase assay and normalized to units of  $\beta$ -glucuronidase per gram of biomass in seed and flower tissue is less than 10% of the corresponding value in total vegetative plant tissue and the nucleic acid of interest encodes an enzyme having glucuronidase activity.

8. (Previously presented) The transgenic expression construct of claim 1, wherein

- a) the nucleic acid sequence of interest to be expressed is linked operably to further genetic control sequences, or
- b) the expression construct comprises additional functional elements, or
- c) both a) and b) apply.

9. (Currently amended) The transgenic expression construct of claim 1, wherein expression of the nucleic acid sequence of interest to be expressed transgenically results in

a) expression of a protein encoded by said nucleic acid sequence of interest,  
and/or

b) expression of sense, antisense, or double-stranded RNA encoded by said nucleic  
acid sequence of interest.

10. (Previously presented) The transgenic expression construct of claim 1, wherein  
expression occurs in leafs, stems and roots but is not detectable in seeds.

11. (Previously presented) A transgenic expression vector comprising the transgenic  
expression construct of claim 1.

12. (Currently amended) A transgenic organism transformed with the transgenic expression  
construct as claimed in claim 1 or a transgenic expression vector comprising said transgenic  
expression construct, wherein the organism is selected from the group consisting of bacteria and  
plants.

13. (Previously presented) The transgenic organism of claim 12, wherein said organism is a  
plant.

14. (Previously presented) The transgenic organism of claim 13, wherein the organism is  
selected from the group consisting of sugarcane, maize, sorghum, pineapple, rice, barley, oat,  
wheat, rye, yam, onion, banana, coconut, date, hop, rapeseed, tobacco, tomato, tagetes  
(marigold), soybean, pea, common bean, and papaya.

15. (Currently amended) A cell culture, part or transgenic propagation material derived from  
the transgenic organism of claim 12, wherein said cell culture, part or propagation material  
comprises said transgenic expression construct.

16. (Withdrawn) A method for producing transgenic expression of a nucleic acid sequence  
of interest at least in leaves but not in seed comprising:

introducing the transgenic expression construct of claim 1 into a plant cell or a plant.

17. (Withdrawn) The method of claim 16, wherein the expression occurs in leafs, stems and  
roots but is not detectable in seeds.

18. (Withdrawn) The method of claim 17, said method further comprises one or more of the  
following steps:

- ii) identifying or selecting the transgenic plant cell comprising said transgenic expression construct,
- iii) regenerating transgenic plant tissue from the transgenic plant cell, and
- iv) regenerating a transgenic plant from the transgenic plant cell.

19. (Cancelled)

20. (Withdrawn) A foodstuff, animal feeds, seeds, pharmaceuticals or fine chemicals produced from the transgenic organism as claimed in claim 12 or of cell cultures, parts of transgenic propagation material derived therefrom.

21. (Withdrawn) A method for production of a foodstuff, animal feed, seed, pharmaceutical or fine chemical, wherein the method comprises employing the transgenic organism as claimed in claim 12 or of cell cultures, parts of transgenic propagation material derived therefrom.

22. (Previously presented) The transgenic organism of claim 13, wherein the plant is a dicotyledonous plant.

23. (Previously presented) The transgenic organism of claim 22, wherein the dicotyledonous plant is selected from the group consisting of rapeseed, tobacco, tomato, tagetes (marigold), soybean, pea, common bean, and papaya.

24. (Currently amended) A cell culture, part or transgenic propagation material derived from the transgenic organism of claim 13, wherein said cell culture, part or propagation material comprises said transgenic expression construct.

25. (Currently amended) A transgenic monocotyledonous plant transformed with the transgenic expression construct of claim 8.